

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LUKE J. CESARETTI, M.D.

Holder of License No. 21772
For the Practice of Allopathic Medicine
In the State of Arizona

Case No MD-11-1319A

**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO THE SAME**

Luke J. Cesaretti, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 21772 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-11-1319A after receiving notification that Respondent was issued a Letter of Reprimand, assessed a fine, and required to obtain CME by the Nevada Medical Board.

4. According to the Nevada Medical Board, the U.S. Office of the Inspector General (OIG) conducted a Medicare investigation of Respondent's billing, treatment and diagnostic records over a period of four years before entering into a settlement of the matter in March 2009. As part of the case's resolution, Respondent also entered into an Integrity Agreement with the OIG that included oversight and supervision of Respondent until March 2014.

5. The Nevada Medical Board found that Respondent failed to disclose the ongoing investigation on three successive Nevada license renewal application in 2005, 2007 and 2009. The Nevada Medical Board also found that Respondent failed to maintain adequate medical records

6. The Nevada Medical Board issued Respondent a Letter of Reprimand and ordered him to pay a fine of \$10,000. It also assessed investigation costs in the amount of \$5,225 and required Respondent to obtain twelve hours of continuing medical education in medical ethics.

7. Respondent failed to advise the Arizona Medical Board that he was under investigation on his 2008 renewal application and failed to advise that action had been taken by the OIG on his 2010 renewal application. Although Respondent maintains that he notified the Arizona Medical Board of the Nevada and OIG investigations, the Board has no record of such notice.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

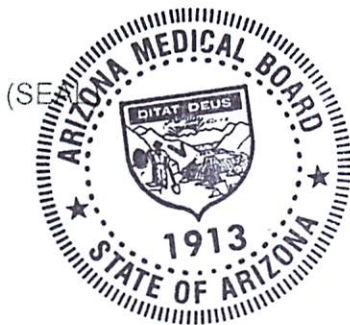
2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on

1 probation by that jurisdiction"); and A.R.S. § 32-1401(27)(jj) ("[k]nowingly making a false
2 or misleading statement to the board or on a form required by the board or in a written
3 correspondence, including attachments, with the board.")

4 ORDER


5 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

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7 DATED AND EFFECTIVE this 3RD day of July, 2017.



ARIZONA MEDICAL BOARD

By


Lisa S. Wynn
Executive Director

14 CONSENT TO ENTRY OF ORDER

15 1. Respondent has read and understands this Consent Agreement and the
16 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
17 acknowledges he has the right to consult with legal counsel regarding this matter.

18 2. Respondent acknowledges and agrees that this Order is entered into freely
19 and voluntarily and that no promise was made or coercion used to induce such entry.

20 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
21 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
22 this Order in its entirety as issued by the Board, and waives any other cause of action
23 related thereto or arising from said Order.

24 4. The Order is not effective until approved by the Board and signed by its
25 Executive Director.

1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

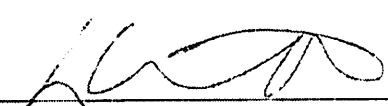
7 6. Upon signing this agreement, and returning this document (or a copy thereof)
8 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
9 the Order. Respondent may not make any modifications to the document. Any
10 modifications to this original document are ineffective and void unless mutually approved
11 by the parties.

12 7. This Order is a public record that will be publicly disseminated as a formal
13 disciplinary action of the Board and will be reported to the National Practitioner's Data
14 Bank and on the Board's web site as a disciplinary action.

15 8. If any part of the Order is later declared void or otherwise unenforceable, the
16 remainder of the Order in its entirety shall remain in force and effect.

17 9. If the Board does not adopt this Order, Respondent will not assert as a
18 defense that the Board's consideration of the Order constitutes bias, prejudice,
19 prejudgment or other similar defense.

20 10. Any violation of this Order constitutes unprofessional conduct and may result
21 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
22 consent agreement or stipulation issued or entered into by the board or its executive
23 director under this chapter") and 32-1451.

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25 

Luke J. Cesaretti, M.D.

DATED: _____

1/27/2012

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2 EXECUTED COPY of the foregoing mailed
3 this 3rd day of Feb., 201~~4~~⁷ to:

4 Luke J. Cesaretti, M.D.

5 Address of Record

6 ORIGINAL of the foregoing filed
7 this 3rd day of Feb., 201~~4~~⁷ with:

8 Arizona Medical Board

9 9545 E. Doubletree Ranch Road

10 Scottsdale, AZ 85258

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Arizona Medical Board Staff